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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,632	09/10/2003	John J. Light	884.904US1	5198
21186 7590 02/05/2008 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
			EXAMINER LUU, LE HIEN	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 02/05/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/659,632

Applicant(s)

LIGHT ET AL.

Examiner

Le H. Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-46 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11/20/07 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-46 are presented for examination.
2. The objection to the Title of the invention have been withdrawn due to applicant's amendment filed 11/20/07.
3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. Examiner notes that MPEP does not explicitly require applicant to provide a summary of the invention. However, to maintain high quality publication of US patents, Examiner believes applicant should support and use the guidelines illustrate the preferred layout for the specification of a utility application as shown above. Therefore, applicant is requested to provided a BRIEF SUMMARY OF THE INVENTION in the specification.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-46 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sorvari et al. (Sorvari) Pub. No. 2004/0043758.

7. As to claim 1, Sorvari teaches the invention as claimed, including a method, comprising: receiving computing platform service information associated with at least one service offered by at least a subset of a plurality of service points (pages 4-5, paragraph [0059, 0061, 0067]);

storing at least a portion of the computing platform service information (page 4,

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paragraph [0059]); and

periodically transmitting, without confirmation, a part of the at least a portion of the computing platform service information to at least one potential subscriber to the at least one service (page 4, paragraph [0059] , page 10, paragraph [0123], pages 23-24, paragraphs [0307 - 0309]).

8. As to claims 2-4, Sorvari inherently teaches determining that the at least one service offered by one of the plurality of service points is no longer available; wherein determining that the at least one service offered by one of the plurality of service points is no longer available further comprises: determining that the at least one service does not respond to a polling query, or determining that the at least one service does not respond within a selected timeout period (pages 25-26 , paragraphs [0337-0341]).

9. As to claims 5-7, Sorvari teaches discovering that a new service offered by one of the plurality of service points is currently available, providing a direction to the new service; discovering that a new service offered by an additional service point not included in the plurality of service points is currently available (page 23, paragraphs [0298 - 0302]).

10. As to claim 8, Sorvari teaches the at least one service includes a wireless service selected from: a network connection service, a printer service, a display service, a storage service, an inventory service, a game service, an interactive customer service,

a query service, a communication service, and an advertising service (page 4, paragraph [0059]; page 10, paragraph [0123]).

11. As to claims 9-14, Sorvari teaches periodically transmitting occurs at a single physical location; the plurality of service points are located in a range area; monitoring the range area to detect a plurality of broadcasting service points; monitoring the range area to detect at least one wireless service broker; receiving computing platform service information associated with at least one service offered by at least a subset of a plurality of service points located in another range area from a single wireless service broker; receiving computing platform service information associated with at least one service offered by at least a subset of a plurality of service points from at least one wireless service broker (page 10 , paragraph [0123]).

12. As to claims 15-16, Sorvari teaches the computing platform service information includes an extensible markup language device description; the part of the at least a portion of the computing platform service information includes sufficient information to access the service directly (page 6, paragraphs [0073 - 0074]; page 11, paragraph [0157]).

13. As to claims 17-20, Sorvari teaches the service is offered by a Universal Plug and Play (UPnP) node; the computing platform service information comprises unsolicited computing platform service information; the computing platform service

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information comprises at least one attribute associated with the at least one service; the at least one attribute is selected from at least one of a range, a signal strength, and a location (pages 6-7, paragraph [0082 - 0083]; page 10, paragraph [0123]).

14. The following is a quotation of 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. Claims 21-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim "An article comprising a tangible computer-readable medium containing computer-executable instructions which, when executed, results in a machine performing" raises a question as to whether the subject matter is new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement. Examiner suggests applicant replaces with "An article comprising a tangible computer-readable storage medium containing computer-executable instructions which, when executed, results in a machine performing" to overcome the 35 U.S.C. 101 rejection.

16. Claims 21-46 have similar limitations as claims 1-20; therefore, they are rejected under the same rationale.

17. In the remarks, applicant argued in substance that

(A) Prior art does not teach transmitting without confirmation by potential

subscriber (unconfirmed service discovery by wireless device).

As to point (A), Sorvari teaches a server automatically transmits local recommendation to a wireless device without confirmation from the wireless device (page 4, paragraph [0059] , page 10, paragraph [0123], pages 23-24, paragraphs [0307 – 0309]).

18. Applicant's arguments filed on 11/20/07 have been fully considered but they are not deemed to be persuasive.

19. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

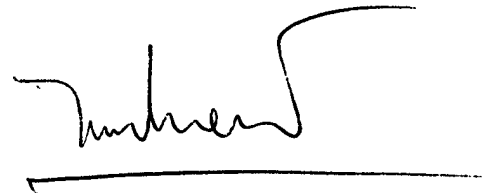
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884.

The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written above a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER